

PLANNING COMMISSION REPORT



MEETING DATE: November 9, 2005

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT Sandbar Mexican Grill - 20-UP-2005

REQUEST Request to approve a conditional use permit for a bar in an existing building located at 10050 N. Scottsdale Road with Central Business District (C-2) zoning.

Key Items for Consideration:

- New bar use
- No concerns expressed by any neighbors
- Residential development located west of site

OWNER Les Corieri

APPLICANT CONTACT John Berry
Berry & Damore, LLC
480-385-2727

LOCATION 10050 N Scottsdale Rd Ste 127

BACKGROUND

Zoning.

The site is zoned C-2 (Central Business District). This zoning district allows a variety of commercial retail and office uses.

General Plan.

The General Plan Land Use Element designates the property as Commercial. This category includes areas designated for commercial centers that provide goods and services for the surrounding residential and commercial areas.

Context.

Adjacent Uses or Zoning:

- North C-3 Commercial retail
- South C-2 Commercial retail
- East C-2 Commercial retail
- West R-5 Multi-family residential

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

The applicant is proposing to convert an existing 6,100 square foot restaurant to a bar within an existing building. In case 3-UP-2002, on October 21, 2002, a conditional use permit was granted on this site for live entertainment consisting of a disk jockey and dance floor. No modifications or additions are



proposed to the live entertainment and no changes are proposed for the building and floor area. The bar hours would be Monday through Friday from 3:00 p.m. to 2:30 a.m. and on Saturdays and Sundays from 10 a.m. to 2:30 a.m. Uniformed staff will provide security.

Development Information.

- *Existing Use:* Restaurant with live entertainment\
- *Proposed Use* Bar
- *Buildings/Description:* Commercial retail tenant space within an in-line shop building
- *Parking Spaces*
required Restaurant/Bar: 80 spaces, live entertainment: 154 spaces.
- *Spaces provided:* 191 spaces
- *Floor Area:* 6,100 square feet

IMPACT ANALYSIS

Traffic.

The proposed bar use will not substantially change the traffic generated by this use. The site is located within a commercial center at the intersection of Scottsdale Road, a major arterial, and Gold Dust, a collector street. Because the majority of traffic is generated during periods when the adjacent streets have less traffic, the surrounding street system has adequate capacity to handle the traffic generated by the proposed use. The commercial center has two driveways on Gold Dust, and access to Scottsdale Road.

Parking.

The parking is adequate for the proposed use.

Police/Fire.

The police and fire department do not object to this application. The police department has reviewed and approved the Security and Maintenance Plan.

Land Use.

This site is located in close proximity to a major intersection of Shea Boulevard and Scottsdale Road. These streets are major arterials that support high levels of traffic and greater intensity and variety of uses at their intersection.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - ***This use does not generate noise, smoke, odor, dust or vibration. No additional outdoor lighting is proposed.***
2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - ***There are no unusual volume or character of traffic associated with this request.***
3. There are no other factors associated with this project that will be materially detrimental to the public.
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - ***The general character of the area is commercial, with residential being more than 190 feet to the west.***
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

Additional conditions for bars:

- a. The use shall not disrupt existing balance of daytime and nighttime uses.
 - i. ***This bar use is proposed for a restaurant site with live entertainment existing on the site.***
- b. The use shall not disrupt pedestrian-oriented daytime activities.
 - i. ***None of the operations encroach into pedestrian walkways or areas.***
3. If the site is located within the downtown overlay district then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within 600 feet of the property and shall not be separated from the property by a major or minor arterial street.
 - ***This site is not located in the downtown overlay district.***
4. If the use is located within 500 feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
 - ***This site is approximately 190 feet from residential uses and districts. The activity areas are on the opposite side of the building and not oriented towards the residential areas. No doors or wall openings of the building that would be used regularly by customers face the residential uses.***
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - ***The applicant has submitted a Management and Security Plan that has been approved and will be maintained and enforced.***
6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
 - ***The exterior refuse control plan has been reviewed and approved.***
7. The applicant shall demonstrate how noise and light generated by the use

shall be mitigated.

- ***The noise for this use will be contained within the building; there are doors at the patios. No new lighting fixtures are proposed.***

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

The amount of parking provided meets the Zoning Ordinance.

Community Involvement.

The applicant sent notices to surrounding property owners within 750 feet of this site. Staff has received no phone calls or letters of interested in the proposal.

Community Impact.

Approval of this Conditional Use Permit would result in one additional bar in this part of Scottsdale.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

RESPONSIBLE
DEPT(S)

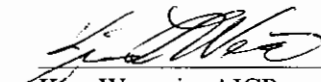
Planning and Development Services Department

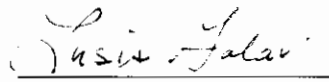
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie, AICP
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY


Kira Wauwie, AICP
Report Author


Lusia Galav, AICP
Current Planning Director

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. City Notification Map
8. Security and Maintenance Plan
9. Floor Plan
10. Site Plan

PROJECT NARRATIVE

Date: October 12, 2005

Location: Sandbar, 10050 N. Scottsdale Road, #127

Applicant: Les Corieri, Owner 602-620-3033

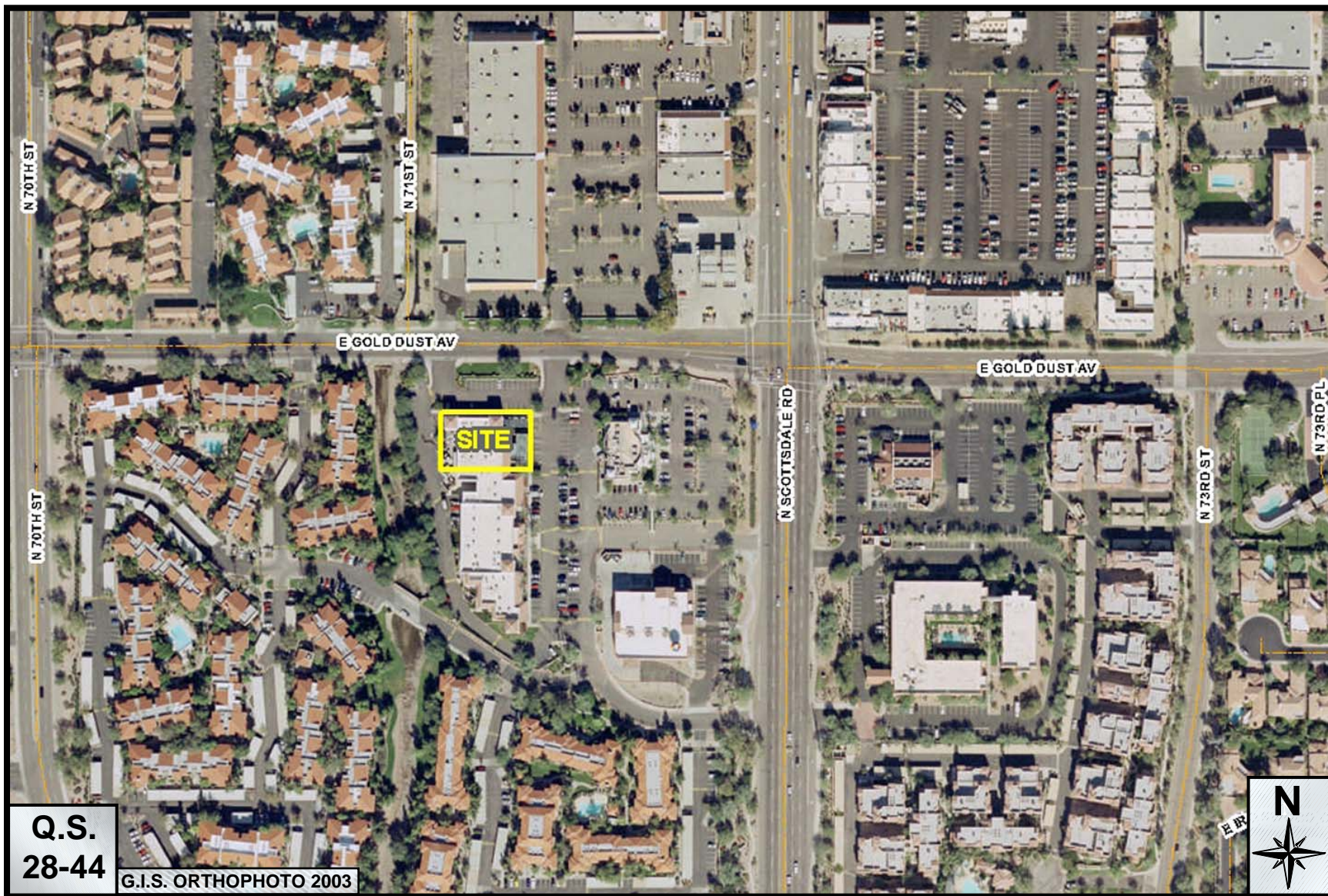
This proposal serves as a request to amend the existing live entertainment use permit at Sandbar Mexican Grill located at 10050 N. Scottsdale Road, Ste 127 to include bar use. The establishment is located on the southeast corner of Gold Dust Avenue and Scottsdale Road.

Approval of a bar use permit as an amendment to the conditional use permit for live entertainment remains consistent with the goal of the city of Scottsdale regarding use permit requirements, as it is a parallel expansion of use. The requirements and procedures for obtaining the existing conditional use permit for live entertainment are vastly similar, if not identical, to those of a bar use permit.

This amendment will not cause a shift in the general operations or nature of the existing business. There will be no changes made to the existing floor plan. The current noise and refuse plan will remain in effect; there will be no change with this permit.

The existing balance of uses in this commercial district will not be altered or disrupted under this proposal. There will also be no additional or adverse impact on the multi-family residential community adjacent to the commercial site as a result of this proposal.

Trip generation will remain the same as under the current use, there will be no change in traffic level. Parking utilizes the existing shopping center and is currently provided in the amount of 191 spaces, exceeding the 154 space requirement for the current live entertainment use permit and the proposed bar use permit. Valet services are no longer being utilized at this establishment. There are two main driveways located to the north of the site that permit access to the commercial center. Peak parking and traffic demands for this establishment occur in the evening hours when the volume of traffic on the arterial streets and the parking demand in the shopping center are significantly reduced.



Q.S.
28-44

G.I.S. ORTHOPHOTO 2003

Sandbar Mexican Grill

20-UP-2005

ATTACHMENT #2

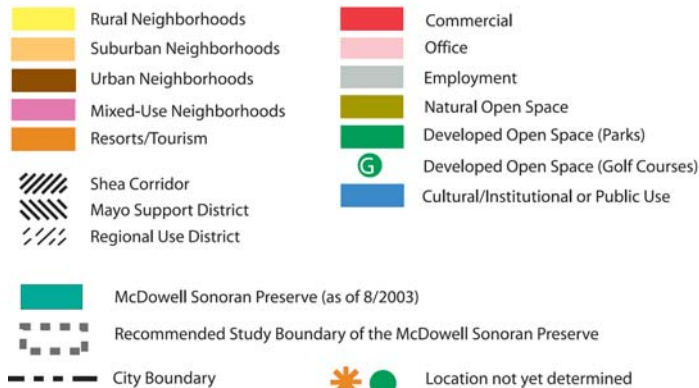
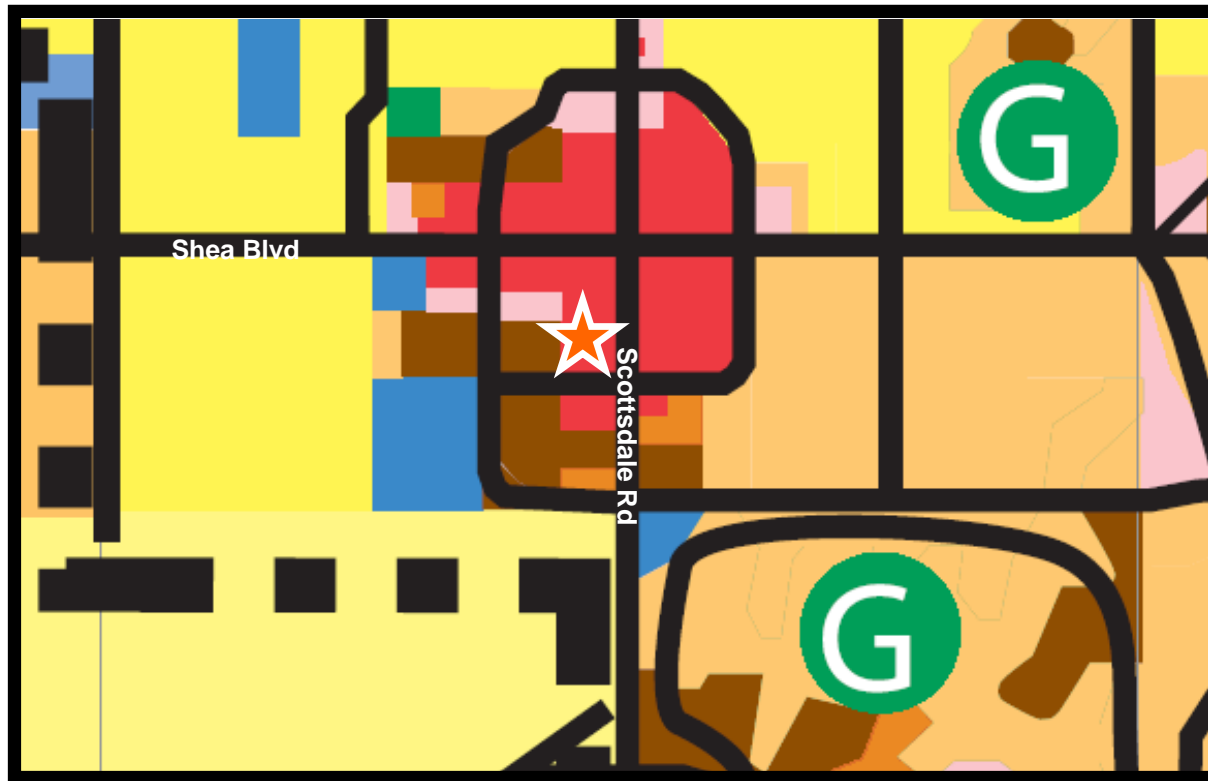


Sandbar Mexican Grill

20-UP-2005

ATTACHMENT #2A

General Plan



20-UP-2005
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004



20-UP-2005

ATTACHMENT #4

I

STIPULATIONS FOR CASE 20-UP-2005

PLANNING/ DEVELOPMENT

1. OPERATIONS: All operations on site shall comply with the following:
 - a. USE. This Conditional Use Permit is approved for a bar use only, and hereby restricted to the floor plan existing on the date of approval, as evidenced by City Records of approval. Any change to this floor plan shall require an amendment to this Use Permit, or an entirely new Use Permit.
 - b. SOUND/NOISE.
 - i. All amplified music shall not be audible past the property lines.
 - ii. There shall be no outdoor speakers or outdoor music or sound playback devices allowed on the site.
 - iii. There shall be no amplified music during times that state law prohibits the sale of liquor at this bar.
 - c. SECURITY AND MAINTENANCE PLAN.
 - i. The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site.
 - ii. Each year, before the anniversary of this use permit approval, the bar operator(s)/merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department.
 - iii. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department. In the event of conflict between the conditions herein and the Public Security and Maintenance Plan, the more restrictive rules shall prevail.
 - d. REFUSE AND LITTER CONTROL.
 - i. The bar operator / merchant shall comply with the submitted refuse control plan as approved.
 - ii. Litter and debris removal shall take place within two (2) hours after normal business hours.
 - e. HOURS OF OPERATION.
 - i. The bar hours of operation shall be limited to the following:
 - (a) Monday through Friday 3 PM opening time to 2:30 AM closing time, and
 - (b) Saturday and Sunday 10 AM opening time to 2:30 AM closing time;
 - (c) Unless made more restrictive by State law.
2. ADMINISTRATIVE/PROCESS: The bar operator(s)/merchant(s) shall comply with the following:

- a. The bar operator(s)/merchant(s) will prominently display these Conditions of Approval in a location within the business' customer area that is acceptable to the City Manager or designee.
 - b. In addition to requirements for use permit amendments in the Scottsdale Revised Code, the bar operator(s)/ merchants shall apply for an amendment of this Conditional Use Permit when:
 - i. The establishment proposes to change its type of liquor license.
 - ii. The establishment proposes to modify any of its current Conditions of Approval.
 - iii. There is a substantial change in the mode or character of operations of the establishment.
3. **CONDITIONAL USE PERMIT VOID UNLESS USE IMPLEMENTED OR ABANDONED:**
 - a. This Conditional Use Permit shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the City Council pursuant to a written request for extension submitted to the Planning Department a minimum of ninety (90) days prior to such expiration date.
 - b. This Conditional Use Permit shall become null and void if the "bar" land use is abandoned for more than one (1) year after beginning operation. If the use is abandoned beyond this one (1) year timeframe, a new Conditional Use Permit shall be required to operate a "bar" land use at the subject property.

sandbar

MEXICAN GRILL

Noise control for all Special Events will be maintained through positioning the staging in the southwest corner of the barricaded area. Speakers will be placed on the ground, pointing in the northeast direction which is occupied commercial establishments.

Noise control for regular business on the patio area is currently maintained with 2 – 6” speakers used for ambient sound and audio on sporting events.

Neighborhood Outreach Program will be completed by our manager, Noel Edwards, by Friday, October, 29, 2005. Noel will be visiting all the businesses within a 300ft radius and the residential apartments surrounding the Sandbar.

10050 N. Scottsdale Rd., Suite 127
Scottsdale, AZ 85253
(480) 998-8845

ATTACHMENT #6

20-UP-2005
10-14-05

Neighborhood Involvement, Project Notification

Date Completed: October 21, 2005

Location: Sandbar, 10050 N. Scottsdale Road, #127

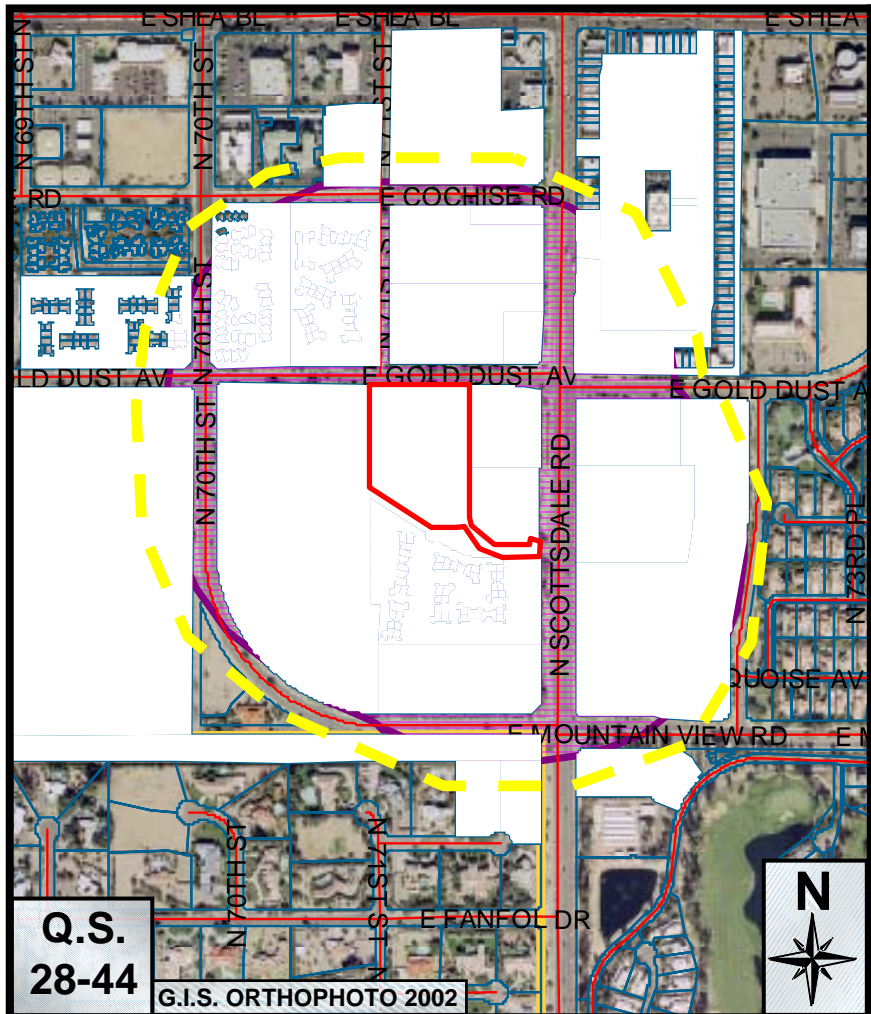
Applicant: Les Corieri, Owner 602-620-3033

To satisfy the neighborhood involvement, community notification requirement for amending the Use Permit to include Bar Use at Sandbar Mexican Grill at 10050 N. Scottsdale Road, #127, the community was personally contacted.

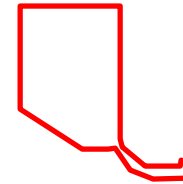
Noel Edwards, managing personnel of Sandbar, completed the notification on October 21, 2005. He notified all surrounding residential and business property owners in the surrounding area through personal door to door visitation.

The community was informed of the amendment to include bar use to the existing live entertainment use permit at this establishment and the property owners expressed no concerns as a result of the personal notification.

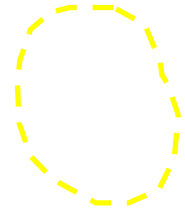
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties List
- Adjacent HOAs

Sandbar Mexican Grill

20-UP-2005

ATTACHMENT #7

Sandbar Mexican Grill (20-UP-2005)
Attachment #8 Security and Maintenance Plan

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.



2211 E. HIGHLAND AVENUE
SUITE 120
PHOENIX, ARIZONA 85016
PHONE 602-808-8885
FAX 602-808-8828

ARCHITECTURE
PLANNING INTERIORS

Copyright 2001. These drawings and designs are the sole property of ALMOND ARCHITECT, A ALMOND ARCHITECTURAL DESIGN GROUP, INC. All rights reserved.

No liability is assumed for any deviation from these documents.



USE PERMIT:
SEASON'S RESTAURANT
10050 N. SCOTTSDALE ROAD
SCOTTSDALE ARIZONA

PROJECT DATA

ADDRESS: 10050 N. SCOTTSDALE RD. 121
SCOTTSDALE ARIZONA
ACACIA CREEK VILLAGE SHOPPING CENTER

ZONING: C-2

OCCUPANCY: A-3 RESTAURANT

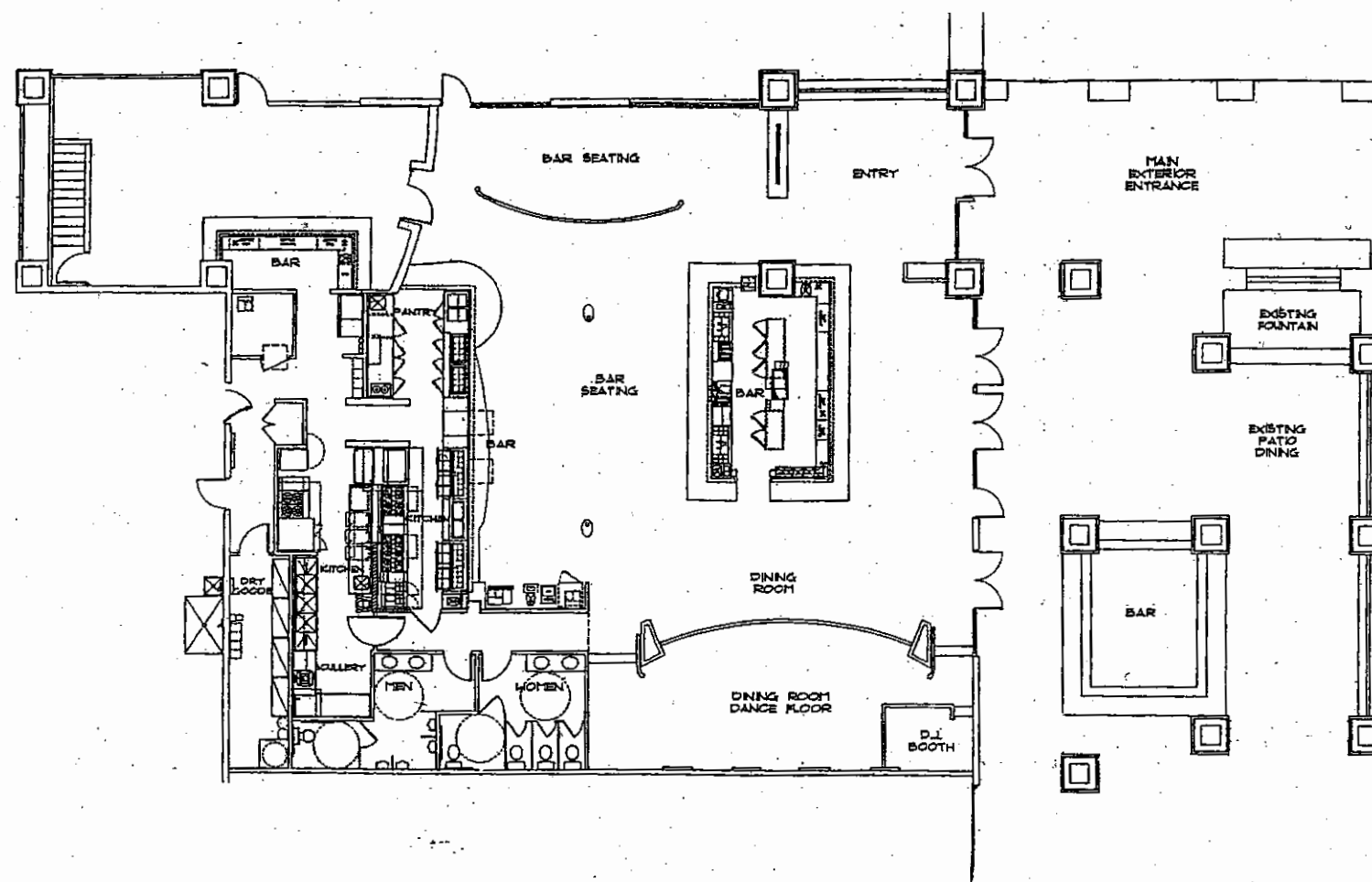
BUILDING AREA:
RESTAURANT:
DINING AREA: 2,558 S.F.
BAR AREA: 337 S.F.
DANCE FLOOR: 468 S.F.
KITCHEN/BACK BARS: 1,456 S.F.
STORAGE/STOCK ROOMS: 308 S.F.
RESTROOMS/HALLS: 809 S.F.
SECOND FLOOR OFFICE: 200 S.F.
TOTAL: 6,136 S.F.

PATIO:
DINING AREA: 1,471 S.F.
BAR: 80 S.F.
BACK BAR: 286 S.F.
TOTAL: 1,837 S.F.

OCCUPANCY CALCULATIONS:
RESTAURANT:
DINING AREA: 2,558 S.F. / 15 = 170.53
BAR AREA: 337 S.F. / 7 = 48.14
DANCE FLOOR: 468 S.F. / 7 = 66.86
KITCHEN/BACK BARS: 1,456 S.F. / 200 = 7.28
STORAGE/STOCK ROOMS: 308 S.F. / 300 = 1.03
RESTROOMS/HALLS: 809 S.F.
SECOND FLOOR OFFICE: 200 S.F. / 100 = 2.00

PATIO:
DINING AREA: 1,471 S.F. / 15 = 98.07
BAR: 80 S.F. / 7 = 11.43
BACK BAR: 286 S.F. / 200 = 1.43
TOTAL: 385.71

PARKING REQUIRED: SEE ATTACHED PARKING STUDY



FLOOR PLAN
SCALE 1/8"=1'-0"



USE PERMIT FOR:
SEASON'S RESTAURANT
10050 N. SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA

job no: 01177

date: 1-24-02

revisions:

ATTACHMENT #10

sheet **1**

Zoning Provisions

Project Location:

SW Corner of Scottsdale Rd. & Gold Dust Rd.
Scottsdale, Arizona

Existing Zoning:

Zoning Ordinance Classification: C-2

Lot Area:

Acacia Creek Village Shops
Allowed: 4,220 AC
Required: 153,822 SF

Gross Floor Area:

Acacia Creek Village Shops
Allowed: 144,835 SF
Provided: 27,900 SF

Building Volume:

Acacia Creek Village Shops
Allowed: 1,738,022 CF
Provided: 655,400 CF

Building Height:

Acacia Creek Village Shops
Allowed: 36 FT
Provided: 24 FT

Net Floor Area:

Acacia Creek Village Shops
23,165 SF

Parking:

Acacia Creek Village Shops
Required: 158
Provided: 191

Open Space:

Acacia Creek Village Shops
Required: 26,795 SF
Provided: 78,728 SF

Front Open Space:

Acacia Creek Village Shops
Required: 13,398 SF
Provided: 13,398 SF

Parking Lot Landscaping:

Acacia Creek Village Shops
Required: 7,603 SF
Provided: 7,603 SF

Setbacks:

Acacia Creek Village Shops
Required:
NS: 20 FT
SE: 0 FT
SW: 25 FT
W: 25 FT
Provided:
NS: 85 FT
SE: 113 FT
SW: 35 FT
W: 118 FT

Vicinity Map

